

SENATE MOTION

MR. PRESIDENT:

I move that Senate Bill 1 be amended to read as follows:

- 1 Page 3, line 10, delete "or IC 6-1.1-22.5-20." and insert ".".
- 2 Page 3, between lines 14 and 15, begin a new line block indented and
- 3 insert:
- 4 **"(28) An emergency rule adopted by the Indiana board of tax**
- 5 **review under IC 6-1.1-4-37(l) or an emergency rule adopted**
- 6 **by the department of local government finance under**
- 7 **IC 6-1.1-4-36(j) or IC 6-1.1-22.5-20."**
- 8 Page 17, between lines 29 and 30, begin a new paragraph and insert:
- 9 "SECTION 10. IC 6-1.1-5.5-4.7, AS AMENDED BY P.L.90-2002,
- 10 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 11 JANUARY 1, 2004]: Sec. 4.7. (a) The assessment training fund is
- 12 established for the purpose of receiving fees deposited under section 4
- 13 of this chapter. **Money in fund may be used by the department of**
- 14 **local government finance to cover expenses incurred in the**
- 15 **development and administration of programs** for the training of
- 16 assessment officials and employees of the department, ~~of local~~
- 17 ~~government finance~~, **including the examination and certification**
- 18 **program required by IC 6-1.1-35.5.** The fund shall be administered
- 19 by the treasurer of state.
- 20 (b) The expenses of administering the fund shall be paid from money
- 21 in the fund.
- 22 (c) The treasurer of state shall invest the money in the fund not
- 23 currently needed to meet the obligations of the fund in the same manner
- 24 as other public money may be invested. Interest that accrues from these
- 25 investments shall be deposited into the fund.
- 26 **(d) Money in the fund at the end of a state fiscal year does not**
- 27 **revert to the state general fund."**
- 28 Page 26, delete lines 39 through 42.
- 29 Page 27, delete line 1.
- 30 Page 27, line 2, delete "(6)" and insert **"(1)"**.

1 Page 27, line 3, delete "(7)" and insert **"(2)"**.
 2 Page 27, line 4, delete "(8)" and insert **"(3)"**.
 3 Page 27, delete line 5.
 4 Page 27, line 6, delete "(10)" and insert **"(4)"**.
 5 Page 27, line 7, delete "(11)" and insert **"(5)"**.
 6 Page 27, line 8, delete "(12)" and insert **"(6)"**.
 7 Page 27, line 9, delete "(13)" and insert **"(7)"**.
 8 Page 27, line 10, delete "(14)" and insert **"(8)"**.
 9 Page 27, line 11, delete "(15)" and insert **"(9)"**.
 10 Page 27, line 12, delete "(16)" and insert **"(10)"**.
 11 Page 27, line 13, delete "(17)" and insert **"(11)"**.
 12 Page 27, line 14, delete "(18)" and insert **"(12)"**.
 13 Page 27, line 15, delete "(19)" and insert **"(13)"**.
 14 Page 27, line 16, delete "(20)" and insert **"(14)"**.
 15 Page 27, line 17, delete "(21)" and insert **"(15)"**.
 16 Page 27, line 18, delete "(22)" and insert **"(16)"**.
 17 Page 27, line 19, delete "(23)" and insert **"(17)"**.
 18 Page 27, line 20, delete "(24)" and insert **"(18)"**.
 19 Page 27, line 21, delete "(25)" and insert **"(19)"**.
 20 Page 27, line 22, delete "(26)" and insert **"(20)"**.
 21 Page 27, line 23, delete "(27)" and insert **"(21)"**.
 22 Page 27, line 24, delete "(28)" and insert **"(22)"**.
 23 Page 27, line 25, delete "(29)" and insert **"(23)"**.
 24 Page 27, line 26, delete "(30)" and insert **"(24)"**.
 25 Page 27, line 27, delete "(31)" and insert **"(25)"**.
 26 Page 27, line 28, delete "(32)" and insert **"(26)"**.
 27 Page 27, line 29, delete "(33)" and insert **"(27)"**.
 28 Page 27, line 30, delete "(34)" and insert **"(28)"**.
 29 Page 27, line 31, delete "(35)" and insert **"(29)"**.
 30 Page 27, line 32, delete "(36)" and insert **"(30)"**.
 31 Page 27, line 33, delete "(37)" and insert **"(31)"**.
 32 Page 27, line 34, delete "(38)" and insert **"(32)"**.
 33 Page 27, line 35, delete "(39)" and insert **"(33)"**.
 34 Page 27, line 36, delete "(40)" and insert **"(34)"**.
 35 Page 27, line 37, delete "(41)" and insert **"(35)"**.
 36 Page 27, line 38, delete "(42)" and insert **"(36)"**.
 37 Page 27, line 39, delete "(43)" and insert **"(37)"**.
 38 Page 27, line 40, delete "(44)" and insert **"(38)"**.
 39 Page 27, line 41, delete "(45)" and insert **"(39)"**.
 40 Page 27, line 42, delete "(46)" and insert **"(40)"**.
 41 Page 28, line 1, delete "(47)" and insert **"(41)"**.
 42 Page 28, line 2, delete "(48)" and insert **"(42)"**.
 43 Page 28, line 3, delete "(49)" and insert **"(43)"**.
 44 Page 28, line 4, delete "(50)" and insert **"(44)"**.

- 1 Page 28, line 5, delete "(51)" and insert "**(45)**".
- 2 Page 28, line 6, delete "(52)" and insert "**(46)**".
- 3 Page 28, line 7, delete "(53)" and insert "**(47)**".
- 4 Page 28, line 8, delete "(54)" and insert "**(48)**".
- 5 Page 28, line 9, delete "(55)" and insert "**(49)**".
- 6 Page 28, line 10, delete "(56)" and insert "**(50)**".
- 7 Page 28, line 11, delete "(57)" and insert "**(51)**".
- 8 Page 28, line 12, delete "(58)" and insert "**(52)**".
- 9 Page 28, line 13, delete "(59)" and insert "**(53)**".
- 10 Page 29, delete lines 11 through 15.
- 11 Page 29, line 16, delete "(g)" and insert "**(f)**".
- 12 Page 29, line 40, after "IC 6-1.1-17" delete "." and insert ", **and after**
- 13 **eliminating the effects of temporary excessive levy appeals and**
- 14 **temporary adjustments made to the working maximum levy for**
- 15 **the calendar year immediately preceding the ensuing calendar**
- 16 **year, as determined by the department of local government**
- 17 **finance.**".
- 18 Page 38, line 32, strike "product of:" and insert "**levy determined**
- 19 **under IC 12-19-7-4.**".
- 20 Page 38, strike lines 33 through 35.
- 21 Page 38, line 36, strike "(2) the".
- 22 Page 38, line 36, strike "county family and children property tax
- 23 levy".
- 24 Page 38, line 37, strike "that the county".
- 25 Page 38, line 37, strike "imposed for the calendar year".
- 26 Page 38, strike lines 38 through 39.
- 27 Page 38, delete lines 40 through 42.
- 28 Page 39, line 5, strike "product of:" and insert "**levy determined**
- 29 **under IC 12-19-7.5-6.**".
- 30 Page 39, strike lines 6 through 8.
- 31 Page 39, line 9, strike "(2) the".
- 32 Page 39, line 9, strike "county children's psychiatric residential".
- 33 Page 39, line 10, strike "treatment services property tax levy that the
- 34 county".
- 35 Page 39, strike lines 11 through 12.
- 36 Page 39, delete lines 13 through 15.
- 37 Page 59, line 10, after "hearing" insert ", **which must be in the**
- 38 **county**".
- 39 Page 62, line 17, delete "sixty (60)" and insert "**fifty-one (51)**".
- 40 Page 73, between lines 35 and 36, begin a new paragraph and insert:
- 41 "SECTION 46. IC 12-13-8-5 IS AMENDED TO READ AS
- 42 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. For taxes first
- 43 due and payable in each year after ~~1990~~, **2003**, each county shall
- 44 impose a medical assistance property tax levy equal to the product of:
- 45 (1) the medical assistance property tax levy imposed for taxes first

due and payable in the preceding year, as that levy was determined by the department of local government finance in fixing the civil taxing unit's budget, levy, and rate for that preceding calendar year under IC 6-1.1-17 and after eliminating the effects of temporary excessive levy appeals and any other temporary adjustments made to the levy for the calendar year; multiplied by

(2) the statewide average assessed value growth quotient, using all the county assessed value growth quotients determined under IC 6-1.1-18.5-2 for the year in which the tax levy under this section will be first due and payable.

If the amount levied in a particular year exceeds the amount necessary to cover the costs payable from the fund, the levy in the following year shall be reduced by the amount of surplus money.

SECTION 47. IC 12-19-7-4, AS AMENDED BY P.L.90-2002, SECTION 344, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) ~~For taxes first due and payable in 1995, each county must impose a county family and children property tax levy equal to the amount determined using the following formula:~~

~~STEP ONE: Determine the sum of the amounts that were paid by the county minus the amounts reimbursed by the state (including reimbursements made with federal money), as determined by the state board of accounts, in 1991, 1992, and 1993 for the following:~~

~~(A) Payments for administrative expenses of the county office of family and children in administering the provision of child services.~~

~~(B) Payments for the services described in section 1 of this chapter that were made on behalf of the children described in section 1 of this chapter and for which payment was made from the county welfare fund.~~

~~(C) Payment for the facilities, supplies, and equipment needed for the provision of child services as operated by the county office of family and children.~~

~~(D) Payment of all other expenses incurred in providing child services that were paid by the county office of family and children.~~

~~STEP TWO: Subtract from the amount determined in STEP ONE the sum of the miscellaneous taxes that were allocated to:~~

~~(A) the county welfare administration fund and used to pay expenses for administration, facilities, supplies, and equipment for the provision of child services in 1991, 1992, and 1993; and~~

~~(B) the county welfare fund; the county general fund; or the county welfare loan fund (whichever of the funds applies) and used to pay the costs of providing child services in 1991,~~

1 ~~1992, and 1993.~~

2 STEP THREE: Divide the amount determined in STEP TWO by
3 three (3):

4 STEP FOUR: Calculate the STEP ONE amount and the STEP
5 TWO amount for 1993 expenses only:

6 STEP FIVE: Adjust the amounts determined in STEP THREE and
7 STEP FOUR by the amount determined by the department of local
8 government finance under subsection (c):

9 STEP SIX: Determine whether the amount calculated in STEP
10 THREE, as adjusted in STEP FIVE, or the amount calculated in
11 STEP FOUR, as adjusted in STEP FIVE, is greater. Multiply the
12 greater amount by the greater of:

13 (A) the assessed value growth quotient determined under
14 IC 6-1.1-18.5-2 for the county for property taxes first due and
15 payable in 1995; or

16 (B) the statewide average assessed value growth quotient using
17 the county assessed value growth quotients determined under
18 IC 6-1.1-18.5-2 for property taxes first due and payable in
19 1995:

20 STEP SEVEN: Multiply the amount determined in STEP SIX by
21 the county's assessed value growth quotient for property taxes
22 first due and payable in 1995, as determined under
23 IC 6-1.1-18.5-2:

24 ~~(b)~~ (a) For taxes first due and payable in each year after ~~1995~~, **2003**,
25 each county shall impose a county family and children property tax levy
26 equal to the product of:

27 (1) the county family and children property tax levy imposed for
28 taxes first due and payable in the preceding year, ~~as that levy was~~
29 **determined by the department of local government finance**
30 **in fixing the civil taxing unit's budget, levy, and rate for that**
31 **preceding calendar year under IC 6-1.1-17 and after**
32 **eliminating the effects of temporary excessive levy appeals**
33 **and any other temporary adjustments made to the levy for**
34 **the calendar year; multiplied by**

35 (2) the greater of:

36 (A) the county's assessed value growth quotient for the
37 ensuing calendar year, as determined under IC 6-1.1-18.5-2; or

38 (B) one (1).

39 When a year in which a statewide general reassessment of real property
40 first becomes effective is the year preceding the year that the property
41 tax levy under this subsection will be first due and payable, the amount
42 to be used in subdivision (2) equals the average of the amounts used in
43 determining the two (2) most recent adjustments in the county's levy
44 under this section. **If the amount levied in a particular year exceeds**
45 **the amount necessary to cover the costs payable from the fund,**
46 **the levy in the following year shall be reduced by the amount of**

1 surplus money.

2 (c) For taxes first due and payable in 1995 and in 1996, the
3 department of local government finance shall adjust the levy for each
4 county to reflect the county's actual child services expenses incurred
5 in providing child services in 1991, 1992, and 1993. In making this
6 adjustment, the department of local government finance may consider
7 all relevant information, including the county's use of bond and loan
8 proceeds to pay these expenses.

9 (d) (b) The department of local government finance shall review
10 each county's property tax levy under this section and shall enforce the
11 requirements of this section with respect to that levy.

12 SECTION 48. IC 12-19-7.5-6, AS ADDED BY P.L.224-2003,
13 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 UPON PASSAGE]: Sec. 6. (a) For taxes first due and payable in 2004,
15 each county must impose a county children's psychiatric residential
16 services property tax levy equal to the amount determined using the
17 following formula:

18 STEP ONE: Determine the sum of the amounts that were paid by
19 the county minus the amounts reimbursed by the state (including
20 reimbursements made with federal money), as determined by the
21 state board of accounts in 2000, 2001, and 2002 for payments to
22 facilities licensed under 470 IAC 3-13 for services that were made
23 on behalf of the children and for which payment was made from
24 the county family and children fund, or five percent (5%) of the
25 average family and children budget, as determined by the
26 department of local government finance in 2000, 2001, and 2002,
27 whichever is greater.

28 STEP TWO: Subtract from the amount determined in STEP ONE
29 the sum of the miscellaneous taxes that were allocated to the
30 county family and children fund and used to pay the costs for
31 providing services in facilities licensed under 470 IAC 3-13 in
32 2000, 2001, and 2002.

33 STEP THREE: Divide the amount determined in STEP TWO by
34 three (3).

35 STEP FOUR: Calculate the STEP ONE amount and the STEP
36 TWO amount for 2002 expenses only.

37 STEP FIVE: Adjust the amounts determined in STEP THREE and
38 STEP FOUR by the amount determined by the department of local
39 government finance under subsection (c).

40 STEP SIX: Determine whether the amount calculated in STEP
41 THREE, as adjusted in STEP FIVE, or the amount calculated in
42 STEP FOUR, as adjusted in STEP FIVE, is greater. Multiply the
43 greater amount by the assessed value growth quotient determined
44 under IC 6-1.1-18.5-2 for the county for property taxes first due
45 and payable in 2003.

46 STEP SEVEN: Multiply the amount determined in STEP SIX by

the county's assessed value growth quotient for property taxes first due and payable in 2004, as determined under IC 6-1.1-18.5-2.

(b) For taxes first due and payable in each year after 2004, each county shall impose a county children's psychiatric residential treatment services property tax levy equal to the product of:

(1) the county children's psychiatric residential treatment services property tax levy imposed for taxes first due and payable in the preceding year, **as that levy was determined by the department of local government finance in fixing the civil taxing unit's budget, levy, and rate for that preceding calendar year under IC 6-1.1-17 and after eliminating the effects of temporary excessive levy appeals and any other temporary adjustments made to the levy for the calendar year**; multiplied by

(2) the greater of:

(A) the county's assessed value growth quotient for the ensuing calendar year, as determined under IC 6-1.1-18.5-2; or

(B) one (1).

When a year in which a statewide general reassessment of real property first becomes effective is the year preceding the year that the property tax levy under this subsection will be first due and payable, the amount to be used in subdivision (2) equals the average of the amounts used in determining the two (2) most recent adjustments in the county's levy under this section. **If the amount levied in a particular year exceeds the amount necessary to cover the costs payable from the fund, the levy in the following year shall be reduced by the amount of surplus money.**

(c) For taxes first due and payable in 2004, the department of local government finance shall adjust the levy for each county to reflect the county's actual expenses incurred in providing services to children in facilities licensed under 470 IAC 3-13 in 2000, 2001, and 2002. In making this adjustment, the department of local government finance may consider all relevant information, including the county's use of bond and loan proceeds to pay these expenses.

(d) The department of local government finance shall review each county's property tax levy under this section and shall enforce the requirements of this section with respect to that levy."

Page 76, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 51. IC 16-35-3-3, AS AMENDED BY P.L.90-2002, SECTION 401, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. ~~(a) For taxes first due and payable in 1992, each county must impose a children with special health care needs property tax levy equal to the amount determined using the following formula:~~

~~STEP ONE: Determine the sum of the amounts that were paid by~~

the county minus the amounts reimbursed by the state (including reimbursements made with federal money); as determined by the state board of accounts, in 1988, 1989, and 1990 for the following:

(A) Payments for administrative expenses of the county office of family and children in the administration of the children with special health care needs program;

(B) Payment for the facilities, supplies, and equipment needed for the children with special health care needs program as operated by the county office of family and children;

(C) Payment of all other expenses under the children with special health care needs program that were paid by the county office of family and children;

STEP TWO: Subtract from the amount determined in STEP ONE the sum of the miscellaneous taxes that were allocated to:

(A) the county welfare administration fund and used to pay expenses for administration, facilities, supplies, and equipment for the children with special health care needs program in 1988, 1989, and 1990; and

(B) the county welfare fund and used to pay all other costs of the children with special health care needs program in 1988, 1989, and 1990;

STEP THREE: Divide the amount determined in STEP TWO by three (3);

STEP FOUR: Calculate the STEP ONE amount and the STEP TWO amount for 1990 expenses only;

STEP FIVE: Adjust the amounts determined in STEP THREE and STEP FOUR by the amount determined by the state board of tax commissioners under subsection (c);

STEP SIX: Determine whether the amount calculated in STEP THREE, as adjusted in STEP FIVE, or the amount calculated in STEP FOUR, as adjusted in STEP FIVE, is greater. Multiply the greater amount by the greater of:

(A) the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the county for property taxes first due and payable in 1992; or

(B) the statewide average assessed value growth quotient using the county assessed value growth quotients determined under IC 6-1.1-18.5-2 for property taxes first due and payable in 1992;

STEP SEVEN: Multiply the amount determined in STEP SIX by the county's assessed value growth quotient for property taxes first due and payable in 1992, as determined under IC 6-1.1-18.5-2;

~~(b)~~ (a) For taxes first due and payable in each year after 1992, 2003, each county shall impose a children with special health care needs

property tax levy equal to the product of:

(1) the children with special health care needs property tax levy imposed for taxes first due and payable in the preceding year, **as that levy was determined by the department of local government finance in fixing the civil taxing unit's budget, levy, and rate for that preceding calendar year under IC 6-1.1-17 and after eliminating the effects of temporary excessive levy appeals and any other temporary adjustments made to the levy for the calendar year;** multiplied by

(2) the greater of:

(A) the county's assessed value growth quotient for the ensuing calendar year, as determined under IC 6-1.1-18.5-2; or

(B) one (1).

When a year in which a statewide general reassessment of real property first becomes effective is the year preceding the year that the property tax levy under this subsection will be first due and payable, the amount to be used in subdivision (2) equals the average of the amounts used in determining the two (2) most recent adjustments in the county's levy under this section. **If the amount levied in a particular year exceeds the amount necessary to cover the costs payable from the fund, the levy in the following year shall be reduced by the amount of surplus money.**

~~(c) For taxes first due and payable in 1992 and in 1993, the state board of tax commissioners shall adjust the levy for each county to reflect the county's actual welfare expenses for administration, facilities, supplies, equipment, and all other costs for the children with special health care needs program in 1988, 1989, and 1990. In making this adjustment, the state board of tax commissioners may consider all relevant information. This includes the county's use of bond and loan proceeds to pay these expenses.~~

~~(d)~~ (b) The department of local government finance shall review each county's property tax levy under this section and shall enforce the requirements of this section with respect to that levy."

Page 78, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 54. IC 21-2-11.5-3, AS AMENDED BY P.L.192-2002(ss), SECTION 162, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Subject to subsection (b), each school corporation may levy for the calendar year a property tax for the school transportation fund sufficient to pay all operating costs attributable to transportation that:

(1) are not paid from other revenues available to the fund as specified in section 4 of this chapter; and

(2) are listed in section 2(a)(1) through 2(a)(7) of this chapter.

(b) For each year after ~~2002~~, **2003**, the levy for the fund may not exceed the levy for the previous year, **as that levy was determined by the department of local government finance in fixing the civil**

1 **taxing unit's budget, levy, and rate for that preceding calendar**
 2 **year under IC 6-1.1-17 and after eliminating the effects of**
 3 **temporary excessive levy appeals and any other temporary**
 4 **adjustments made to the levy for the calendar year,** multiplied by
 5 the assessed value growth quotient determined under STEP FOUR of
 6 the following formula:

7 STEP ONE: For each of the six (6) calendar years immediately
 8 preceding the year in which a budget is adopted under
 9 IC 6-1.1-17-5 or IC 6-1.1-17-5.6 for part or all of the ensuing
 10 calendar year, divide the Indiana nonfarm personal income for the
 11 calendar year by the Indiana nonfarm personal income for the
 12 calendar year immediately preceding that calendar year, rounding
 13 to the nearest one-thousandth (0.001).

14 STEP TWO: Determine the sum of the STEP ONE results.

15 STEP THREE: Divide the STEP TWO result by six (6), rounding
 16 to the nearest one-thousandth (0.001).

17 STEP FOUR: Determine the lesser of the following:

18 (A) The STEP THREE quotient.

19 (B) One and six-hundredths (1.06).

20 **If the amount levied in a particular year exceeds the amount**
 21 **necessary to cover the costs payable from the fund, the levy in the**
 22 **following year shall be reduced by the amount of surplus money.**

23 (c) Each school corporation may levy for the calendar year a tax for
 24 the school bus replacement fund in accordance with the school bus
 25 acquisition plan adopted under section 3.1 of this chapter.

26 (d) The tax rate and levy for each fund shall be established as a part
 27 of the annual budget for the calendar year in accord with IC 6-1.1-17."

28 Page 99, line 19, delete "January" and insert "**March**".

29 Page 99, line 19, delete "department of local" and insert "**auditor of**
 30 **state**".

31 Page 99, line 20, delete "government finance".

32 Page 102, line 6, delete "the statement prepared" and insert "**a**
 33 **statement in the form determined**".

34 Page 102, line 13, after "shall" insert "**determine and**".

35 Page 102, line 14, delete "following statement:" and insert "**wording**
 36 **of a statement concerning property taxes on homesteads in the**
 37 **county, which must be in the following or a substantially similar**
 38 **form, as determined by the department:**".

39 Page 102, between lines 25 and 26, begin a new line blocked left and
 40 insert:

41 **"The county treasurer is responsible for the preparation and**
 42 **mailing of the statement in the manner provided by subsection**
 43 **(a)."**

44 Page 103, between lines 35 and 36, begin a new paragraph and
 45 insert:

- 1 "SECTION 76. [EFFECTIVE JANUARY 1, 2004] **There is**
2 **appropriated to the department of local government finance an**
3 **amount sufficient from the assessment training fund established**
4 **by IC 6-1.1-5.5-4.7, as amended by this act, to carry out the**
5 **purposes set forth in IC 6-1.1-5.5-4.7, as amended by this act,**
6 **beginning January 1, 2004, and ending June 30, 2005."**
7 Renumber all SECTIONS consecutively.
 (Reference is to SB 1 as printed November 1, 2003.)

Senator BORST